

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: PETER PAL VARGA et al.)
)
TITLE: METHOD OF IMPLANTING)
AN INTERVERTEBRAL)
SPACER)
) INFORMATION DISCLOSURE
SERIAL NO.: _____) STATEMENT UNDER 37 C.F.R.
) § 1.97
FILED: March 31, 2004)
)
EXAMINER: _____)
)
ART UNIT: _____)

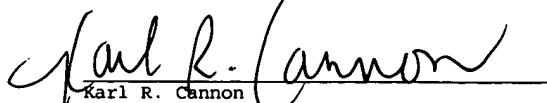
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Please find, pursuant to 37 C.F.R. § 1.98(a)(1), the enclosed Form PTO-1449, which contains a list of patents, publications, or other items that have come to the attention of one or more of the individuals designated in 37 C.F.R. § 1.56(c). Applicant respectfully invokes the Patent Office's obligation under 37 C.F.R. § 1.97 to consider these references and make them of record in the above-captioned application. While no representation is made that

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I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on the date indicated above and is addressed to: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450


Karl R. Cannon
Attorney Registration No. 36,468
Attorney for Applicant

any of these references may be "prior art" within the meaning of that term under 35 U.S.C. §§ 102 or 103, the enclosed list of references is disclosed so as to fully comply with the duty of disclosure set forth in 37 C.F.R. § 1.56.

Moreover, while no representation is made that a specific search of office files or patent office records has been conducted or that no better art exists, the undersigned attorney of record believes that the references listed, together with any other references which may have been previously cited by or submitted to the Office, are the closest to the claimed invention (taken in its entirety) of which the undersigned is presently aware, and no art which is closer to the claimed invention (taken in its entirety) has been knowingly withheld.

In accordance with 37 C.F.R. §§ 1.97 and 1.98, a copy of each listed reference (or relevant portion thereof) that was not previously submitted to, or cited by, the Patent Office is also enclosed.


Statement of References Previously Disclosed
Under 37 C.F.R. § 1.98(d)

The references listed on the enclosed Form PTO-1449 are not required to be provided under 37 C.F.R. § 1.98(d), and are therefore not enclosed, because they were previously cited by or submitted to the Office in application number 10/055,783, which is relied upon for an earlier filing date under 35 U.S.C. § 120.

Please charge any additional fees or credit any overpayment to
Deposit Account No. 50-0836.

DATED this 31 day of March, 2004.

Respectfully submitted,



Karl R. Cannon
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Attorney for Applicant

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PTO-1449		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY. DOCKET NO. T9376.DIV2DIV		SERIAL NO.	
LIST OF PRIOR ART CITED BY APPLICANT				APPLICANT Peter Pal Varga et al.			
				FILING DATE March 31, 2004		GROUP	
U.S. PATENT DOCUMENTS							
EXAMINER INITIALS		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA	4,479,491	Oct. 30, 1984	Martin			
	AB	4,627,853	Dec. 9, 1986	Campbell et al.			
	AC	4,678,470	Jul. 7, 1987	Nashef et al.			
	AD	4,714,469	Dec. 22, 1987	Kenna			
	AE	4,834,757	May 30, 1989	Brantigan			
	AF	4,863,477	Sep. 5, 1989	Monson			
	AG	4,904,261	Feb. 27, 1990	Dove			
	AH	4,932,969	Jun. 12, 1990	Frey et al.			
	AI	4,950,296	Aug. 21, 1990	McIntyre			
	AJ	5,053,049	Oct. 1, 1999	Campbell			
	AK	5,071,437	Dec. 10, 1991	Steffee			
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	<u>TRANSLATION</u> YES NO
	AL	EP 0 538 183	Apr. 21, 1993	Europe			X
	AM	EP 0 599 419	Jun. 1, 1994	Europe			X
	AN	FR 27336537 A1	Jan. 17, 1997	France			X
	AO	DE 29901611U1	Apr. 22, 1999	Germany			X
	AP	DE 19710392C1	Jul. 1, 1999	Germany			Abstract only
OTHER PRIOR ART (Including Author, Title, Volume and/or Name of Publication, Relevant Pages and Date [as available])							
	AQ		Péter Pál Varga, "Dekompresszió és rigid stabilizálás (fusio)." <i>Lumbalis spinalis stenosis</i> , pp. 98-113, 1995 (with English translation).				
EXAMINER				DATE CONSIDERED			
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	AR	5,092,893	Mar. 3, 1992	Smith			
	AS	5,123,926	Jun. 23, 1992	Pisharodi			
	AT	5,171,281	Dec. 15, 1992	Parsons et al.			
	AU	5,192,326	Mar. 9, 1993	Bao et al.			
	AV	5,192,327	Mar. 9, 1993	Brantigan			
	AW	5,275,954	Jan. 4, 1994	Wolfenbarger et al.			
	AX	5,306,303	Apr. 26, 1994	Lynch			
	AY	5,306,308	Apr. 26, 1994	Gross et al.			
	AZ	5,306,309	Apr. 26, 1994	Wagner et al.			
	BA	5,344,459	Sep. 6, 1994	Swartz			
	BB	5,425,772	Jun. 20, 1995	Brantigan			

FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO
	BC	WO 94/26213	Nov. 24, 1994	International (PCT)			X
	BD	WO 97/06753	Feb. 27, 1997	International (PCT)			X
	BE	WO 97/15247	May 1, 1997	International (PCT)			X
	BF	WO 98/17209	Apr. 30, 1998	International (PCT)			
	BG	WO 98/55052	Dec. 10, 1998	International (PCT)			

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	BH	5,458,638	Oct. 17, 1995	Kuslich et al.			
	BI	5,458,643	Oct. 17, 1995	Oka et al.			
	BJ	5,514,180	May 7, 1996	Heggeness et al.			
	BK	5,534,028	Jul. 9, 1996	Bao et al.			
	BL	5,534,030	Jul. 9, 1996	Navarro et al.			
	BM	5,545,229	Aug. 13, 1996	Parsons et al.			
	BN	5,556,379	Sep. 17, 1996	Wolfenbarger			
	BO	5,571,192	Nov. 5, 1996	Schönhöffer			
	BP	5,593,409	Jan. 14, 1997	Michelson			
	BQ	5,609,637	Mar. 11, 1997	Biedermann et al.			
	BR	5,645,598	Jul. 8, 1997	Brosnahan, III			

FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO
	BS	WO 98/56319	Dec. 17, 1998	International (PCT)			
	BT	WO 98/56433	Dec. 17, 1998	International (PCT)			
	BU	JP 09122160	May 13, 1997	Japan			X

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	BV	5,653,762	Aug. 5, 1997	Pisharodi			
	BW	5,658,337	Aug. 19, 1997	Kohrs et al.			
	BX	5,674,295	Oct. 7, 1997	Ray et al.			
	BY	5,676,702	Oct. 14, 1997	Ratron			
	BZ	5,702,449	Dec. 30, 1997	McKay			
	CA	5,702,451	Dec. 30, 1997	Biedermann et al.			
	CB	5,702,455	Dec. 30, 1997	Saggar			
	CC	5,720,748	Feb. 24, 1998	Kuslich et al.			
	CD	5,722,977	Mar. 3, 1998	Wilhelmy			
	CE	5,725,579	Mar. 10, 1998	Fages et al.			
	CF	5,728,159	Mar. 17, 1998	Stroeve et al.			

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	CG	5,741,253	Apr. 21, 1998	Michelson			
	CH	5,755,798	May 26, 1998	Papavero et al.			
	CI	5,766,252	Jun. 16, 1998	Henry et al.			
	CJ	5,766,253	Jun. 16, 1998	Brosnahan, III			
	CK	5,776,199	Jul. 7, 1998	Michelson			
	CL	5,785,710	Jul. 28, 1998	Michelson			
	CM	5,797,871	Aug. 25, 1998	Wolfenbarger, Jr.			
	CN	5,814,084	Sep. 29, 1998	Grivas et al.			
	CO	5,820,581	Oct. 13, 1998	Wolfenbarger, Jr.			
	CP	5,824,094	Oct. 20, 1998	Serhan et al.			
	CQ	5,860,973	Jan. 19, 1999	Michelson			

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	CR	5,861,041	Jan. 19, 1999	Tienboon			
	CS	5,865,845	Feb. 2, 1999	Thalgott			
	CT	5,876,457	Mar. 2, 1999	Picha et al.			
	CU	5,888,222	Mar. 30, 1999	Coates et al.			
	CV	5,888,223	Mar. 30, 1999	Bray, Jr.			
	CW	5,888,224	Mar. 30, 1999	Beckers et al.			
	CX	5,888,226	Mar. 30, 1999	Rogozinski			
	CY	5,888,227	Mar. 30, 1999	Cottle			
	CZ	5,888,228	Mar. 30, 1999	Knothe et al.			
	DA	5,897,556	Apr. 27, 1999	Drewry et al.			
	DB	5,897,593	Apr. 27, 1999	Kohrs et al.			
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	DC	5,961,554	Oct. 5, 1999	Janson et al.			
	DD	5,972,368	Oct. 26, 1999	McKay			
	DE	5,989,289	Nov. 23, 1999	Coates et al.			
	DF	6,022,376	Feb. 8, 2000	Assell et al.			
	DG	6,045,580	Apr. 4, 2000	Scarborough et al.			
	DH	6,059,829	May 9, 2000	Schläpfer et al.			
	DI	6,080,158	Jun. 27, 2000	Lin			
	DJ	6,093,205	Jul. 25, 2000	McLeod et al.			
	DK	6,096,081	Aug. 1, 2000	Grivas et al.			
	DL	6,117,174	Sep. 12, 2000	Nolan			
	DM	6,132,465	Oct. 17, 2000	Ray et al.			

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	DN	6,139,579	Oct. 31, 2000	Steffee et al.			
	DO	6,143,031	Nov. 7, 2000	Knothe et al.			
	DP	6,143,032	Nov. 7, 2000	Schafer et al.			
	DQ	6,143,033	Nov. 7, 2000	Paul et al.			
	DR	6,146,422	Nov. 14, 2000	Lawson			
	DS	6,149,651	Nov. 21, 2000	Drewry et al.			
	DT	6,156,067	Dec. 5, 2000	Bryan et al.			
	DU	6,159,244	Dec. 12, 2000	Suddaby			
	DV	6,162,252	Dec. 19, 2000	Kuras et al.			
	DW	6,179,873	Jan. 30, 2001	Zientek			
	DX	6,179,874	Jan. 30, 2001	Cauthen			

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	DY	6,210,412	Apr. 3, 2001	Michelson			
	DZ	6,217,579	Apr. 17, 2001	Koros			
	EA	6,235,059	May 22, 2001	Benezech et al.			
	EB	6,245,072	Jun. 12, 2001	Zdeblick et al.			
	EC	6,245,108	Jun. 12, 2001	Biscup			
	ED	6,258,125	Jul. 10, 2001	Paul et al.			
	EE	6,261,586	Jul. 17, 2001	McKay			
	EF	6,264,655	Jul. 24, 2001	Pisharodi			
	EG	6,264,656	Jul. 24, 2001	Michelson			
	EH	6,277,149	Aug. 21, 2001	Boyle et al.			
	EI	6,296,641	Oct. 2, 2001	Burkhead et al.			

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	EJ	6,296,647	Oct. 2, 2001	Robioneck et al.			
	EK	6,302,914	Oct. 16, 2001	Michelson			
	EL	6,306,170	Oct. 23, 2001	Ray			
	EM	6,309,421	Oct. 30, 2001	Pisharodi			
	EN	6,315,795	Nov. 13, 2001	Scarborough et al.			
	EO	6,315,797	Nov. 13, 2001	Middleton			
	EP	6,387,130	May 14, 2002	Stone et al.			
	EQ	6,402,785	Jun. 11, 2002	Zdeblick et al.			
	ER	US 2001/0000532 A1	Apr. 26, 2001	Michelson			
	ES	US 2001/0001129 A1	May 10, 2001	McKay et al.			
	ET	US 2002/0045904 A1	Apr. 18, 2002	Fuss et al.			
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